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EXAMINER				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/642,702

**Applicant(s)**

JAISWAL ET AL.

**Examiner**

CHIRAG PATEL

**Art Unit**

2454

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 May 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification fails to disclose antecedent basis for "computer readable memory".

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 7-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 7 is rejected under 35 U.S.C. 101 because the broadest reasonable interpretation of "computer readable memory" is directed to both transitory and non-statutory subject matter such as signals and carrier waves. Examiner notes that applicants claim examples of memory in the disclosure per [0054], however one of ordinary skill in the art interpret that a signal functions as a memory because a program

can be stored upon it and the computer readable medium fails to exclude non-statutory medias such as signal and carrier waves.

Examiner suggest an amendment "non-transitory computer readable memory"  
This amendment would not be considered new matter and preclude the claim from being construed as a signal claim.

See MPEP 2106, "See, e.g., *In re Nuijten*, Docket no. 2006-1371 (Fed. Cir. Sept. 20, 2007)(slip. op. at 18)("A transitory, propagating signal like Nuijten's is not a 'process, machine, manufacture, or composition of matter.' . Thus, such a signal cannot be patentable subject matter.")".

Claims 8-13 which depend from claim 7, also fail to add subject matter which meet a statutory category of invention (process, machine, manufacture, or composition of matter).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cisco Systems, "High-Availability Solutions for SIP Enabled Voice-over-IP Networks", [http://web.archive.org/web/20021018135258/http://www.cisco.com/en/US/tech/tk652/tk701/technologies\\_white\\_paper09186a00800a9818.shtml](http://web.archive.org/web/20021018135258/http://www.cisco.com/en/US/tech/tk652/tk701/technologies_white_paper09186a00800a9818.shtml), October 18, 2002, pages 1-7, -- hereinafter Cisco Systems (High-Availability Solutions for SIP Enabled Voice-over-IP Networks) in view of Bakshi (US 7,738,379) / Rosenberg, Schulzrinne, Camarillo, Johnston, Peterson, Sparks, Handley, Schooler, Internet Engineering Task Force, Internet Draft, SIP WG, draft-ietf-sip-rfc2543bis-05.ps, <http://www.jdrosen.net/papers/draft-ietf-sip-rfc2543bis-05.pdf>, October 26, 2001, pages 1-157. -- hereinafter Rosenberg, (Internet Draft - RFC2543) / Lakkakorpi (US 2003/0179704) / Bakshi (US 7,738, 379) / Sylvain (US 2004/0122901).

As per claims 1 and 7, Cisco Systems discloses a method of communicating load, comprising:

determining a load on a first node;( Load Balancers; functionality of load balancers)

factoring the load into a session initiation protocol (SIP) value for the first node, where the value is an integer value based on both (1) a contact priority (Priority and Weight, In redundancy schemes, routes to a primary and secondary server are negotiated based on their designated priority)

transmitting the value to a second node via one or more load brokers where each load broker is a back-to-back user agent; and (Load Balancers; Load balancers can be configured as 1+1 redundant)

Cisco systems fails to explicitly disclose back-to-back user agent that is to operate as a proxy and to communicate regarding node locations in a SIP network, factoring the load into a session initiation protocol (SIP) Q-value for the first node, where the Q-value is an integer value based on both (1) a contact priority and (2) a number of calls or an amount of information being processed for a call; transmitting the Q-value to a second node via one or more load brokers where each load broker is a back-to-back user agent; and determining a domain load factor for a domain that comprises a plurality of SIP entities, the domain load factor indicating domain load for the entire domain, the domain load factor to be shared with other domains and to be used with the Q-value to determine call routing, determining a domain load factor for a domain that comprises a plurality of SIP entities, the domain load factor indicating domain load for the entire domain.

Rosenberg discloses SIP q-value and using the Q-value to determine call routing (Section 16.5, page 57; A common ordering mechanism is to use the qvalue parameter of destinations obtained from Contact header fields (see Section 22.10). Destinations are processed from highest qvalue to lowest. Destinations with equal qvalues may be processed in parallel; Section 26.1; qvalue = ( "0" [ "." 0\*3DIGIT ] )— ( "1" [ "." 0\*3("0") ]; showing a q-value as an integer as recited in applicant's claim language; Section

10.2.1.2; page 35; If more than one Contact is sent in a REGISTER, then the registering UA intends to associate all of the URIs given in these Contact headers with the address of record present in the To field. This list can be prioritized with the "q" mechanism. q: The "q" parameter indicates a relative preference for the particular Contact header field compared to other bindings present in this REGISTER message or existing within the location service of the registrar. For an example of how a proxy server uses "q" values, see Section 16.5; Section 16.4 Making a Routing Decision; page 55; At this point, the proxy must decide where to forward the request.)

Lakkakorpi discloses determining a domain load factor for a domain, (Col 6 line 64 – Col 7 line 16; link load) the domain load factor indicating domain load for the entire domain, (Col 7 lines 40-54) the domain load factor to be shared with other domains. (Col 4 lines 13-27; Col 5 lines 22-27, Col 8 lines 16-27)

Bakshi discloses a Q-value based on (2) a number of calls or an amount of information being processed for a call; (Col 8 lines 13-17; Col 8 lines 38-50)

Sylvain discloses back-to-back user agent that is to operate as a proxy and to communicate regarding node locations in a SIP network. ([0045])

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Cisco Systems to disclose back-to-back user agent that is to operate as a proxy and to communicate regarding node locations in a SIP network, factoring the load into a session initiation protocol (SIP) Q-value for the first node, where the Q-value is an integer value based on both (1) a contact priority and (2) a number of calls or an amount of information being processed for a call; transmitting the Q-value to

a second node via one or more load brokers where each load broker is a back-to-back user agent; and determining a domain load factor for a domain that comprises a plurality of SIP entities, the domain load factor indicating domain load for the entire domain, the domain load factor to be shared with other domains and to be used with the Q-value to determine call routing, determining a domain load factor for a domain that comprises a plurality of SIP entities, the domain load factor indicating domain load for the entire domain.

Under *KSR International Co. v. Teleflex Inc.*, 550 U.S. -, 82 USPQ2d 1385 (2007), it could have been obvious to combine prior art elements according to known methods to yield predictable results of reducing the processing load on proxy servers that are responsible for routing requests by relying on redirection, completing the high-availability solution by placing the desired combination of high-availability routing intelligence in the network and reduced congestion.

As per claim 2, Cisco Systems / Rosengard / Lakkakorpi / Bakshi / Sylvain disclose the method of claim 1. Cisco Systems further comprising the first node subscribing to a load factor exchange service in a message transmitted to the second node. (Introduction to SIP Networks; SIP Registrar Server – a device that stores the logical location of user agents within that domain or sub-domain. A SIP registrar server stores the location of user agents and dynamically updates its data via REGISTER messages)



As per claim 3, Cisco Systems / Rosenberg / Lakkakorpi /Bakshi / Sylvain disclose the method of claim 2. Rosengard further comprising the second node confirming receipt of the subscription in a message transmitted to the first node. (Page 33; Figure 2: 5) Resp)

As per claim 4, Cisco Systems / Rosenberg / Lakkakorpi /Bakshi / Sylvain disclose the method of claim 1. Cisco Systems fails to disclose a third node requesting the Q-value for the first node from the second node; and the second node transmitting the Q-value for the first node to the third node. Lakkakorpi further comprising a third node requesting the value for the first node from the second node; and the second node transmitting the value for the first node to the third node. (Col 4 lines 13-27; Col 5 lines 22-27) Rosenberg discloses a "Q" value. (Section 16.5, page 57; A common ordering mechanism is to use the qvalue parameter of destinations obtained from Contact header fields (see Section 22.10). Destinations are processed from highest qvalue to lowest. Destinations with equal qvalues may be processed in parallel, Section 26.1; qvalue = ( "0" [ "." 0\*3DIGIT ] )— ( "1" [ "." 0\*3("0") ] ) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Cisco Systems to disclose a third node requesting the Q-value for the first node from the second node; and the second node transmitting the Q-value for the first node to the third node. The motivation for doing do would have been to determine when a new flow should be accepted into the network in order to avoid congestion. (Col 1 lines 32-36)

As per claim 5, Cisco Systems / Rosenberg / Lakkakorpi /Bakshi / Sylvain disclose the method of claim 4. Lakkakorpi discloses wherein the second node also transmits values for a plurality of alternate nodes to the third node. (Col 4 lines 13-27; Col 5 lines 22-27, Col 8 lines 16-27) Rosenberg discloses "Q" values. (Rosenberg discloses a "Q" value. (Section 16.5, page 57; A common ordering mechanism is to use the qvalue parameter of destinations obtained from Contact header fields (see Section 22.10). Destinations are processed from highest qvalue to lowest. Destinations with equal qvalues may be processed in parallel, Section 26.1;  $qvalue = ( "0" [ "." 0^3 \text{DIGIT} ] ) - ( "1" [ "." 0^3 ("0") ] )$ )

As per claim 6, Cisco Systems / Rosenberg / Lakkakorpi /Bakshi / Sylvain disclose the method of claim 5 and Cisco Systems disclose further comprising the third node utilizing the one of the first node and the alternate nodes having the lowest Q-value as an intermediate node. (Priority and Weight: For the solutions described in this document, the smaller number is considered to have the higher priority. For example, a route with a priority of 2 is secondary to a route with a priority of 1)

As per claim 8, Cisco Systems / Rosenberg / Lakkakorpi /Bakshi / Sylvain disclose the computer readable memory of claim 7. Lakkakorpi discloses further the article of manufacture of claim 7, wherein the instructions are to cause the processor to direct a transmitting node to transmit the load information for the first node and the for the second node (Col 4 lines 13-27; Col 5 lines 22-27, Col 8 lines 16-27) Rosenberg

discloses the session initiation protocol Q -value. (Section 16.5, page 57; A common ordering mechanism is to use the qvalue parameter of destinations obtained from Contact header fields (see Section 22.10). Destinations are processed from highest qvalue to lowest. Destinations with equal qvalues may be processed in parallel; Section 26.1; qvalue = ( "0" [ "." 0\*3DIGIT ] )— ( "1" [ "." 0\*3("0") ] ; Section 10.2.1.2; page 35; If more than one Contact is sent in a REGISTER, then the registering UA intends to associate all of the URIs given in these Contact headers with the address of record present in the To field. This list can be prioritized with the "q" mechanism. The "q" parameter indicates a relative preference for the particular Contact header field compared to other bindings present in this REGISTER message or existing within the location service of the registrar. For an example of how a proxy server uses "q" values, see Section 16.5; Section 16.4 Making a Routing Decision; page 55; At this point, the proxy must decide where to forward the request.)

As per claim 9, Cisco Systems / Rosenberg / Lakkakorpi /Bakshi / Sylvain disclose the computer readable memory of claim 8. Cisco Systems discloses wherein the transmitting node is to transmit the information to the least loaded of the first node and the second node. (Priority and Weight; When two or more routes have the same priority, traffic is load balanced across both servers)

As per claim 10, Cisco Systems / Rosenberg / Lakkakorpi /Bakshi / Sylvain disclose the computer readable memory of claim 7. Cisco Systems discloses wherein the instructions are to cause the information to be redirected from the first node to the second node when the second node becomes less loaded than the first node. (Load Balancers; functionality of load balancers; Priority and Weight; When two or more routes have the same priority, traffic is load balanced across both servers)

As per claim 11, Cisco Systems / Rosenberg / Lakkakorpi /Bakshi / Sylvain disclose the computer readable memory of claim 7, Cisco Systems discloses wherein load is based on at least one metric including call capacity of the first and second nodes, processing capability of the first and second nodes, network bandwidth at the first and second nodes, and network availability of the first and second nodes. (Designing a Highly Available Voice Network; capacity of SIP gateway = 0.5 calls per second; capacity of SIP Proxy Server = 100 calls per second)

As per claim 12, Cisco Systems / Rosenberg / Lakkakorpi disclose the computer readable memory of claim 11. Cisco Systems discloses wherein the metrics of the first and second nodes are weighted based on the capacity of the nodes for that metric. (Priority and Weight, weighted random, which distributes requests proportional to the weight assigned to each route. To load balance between routes to devices, the priority of the routes must be the same. A higher weight represents a proportionally higher device capacity.)

As per claim 13, Cisco Systems / Rosenberg / Lakkakorpi disclose the computer readable memory of claim 7. Cisco Systems discloses wherein the instructions are further to cause the processor to receive a subscription from the transmitting node and at least one second transmitting node, and wherein the load information for at least one of the first node and the second node is caused to be transmitted to subscribing nodes upon request. (SIP Registrar Server: a device that stores the logical location of user agents within that domain or sub-domain. A SIP registrar server stores the location of user agents and dynamically updates its data via REGISTER messages.)

As per claim 14, Cisco Systems discloses a session initiation protocol device, comprising:

- a network adaptor coupled to a network; (SIP user agent—any network end-point that can originate or terminate a SIP session. This might include a SIP-enabled telephone, a SIP PC-client (known as a "softphone"), or a SIP-enabled gateway)

- a session initiation protocol load module to receive session initiation protocol load information from session initiation protocol entities on the network through the network adaptor (Introduction to SIP Networks; device that stores the logical location of user agents within that domain or sub-domain. A SIP registrar server stores the location of user agents and dynamically updates its data via REGISTER messages)

- the Q-Value to be transmitted via one or more load brokers (Load Balancers; Load balancers can be configured as 1+1 redundant)

wherein the load information is factored into a session initiation protocol value, where the value is an integer value based on both (1) a contact priority (Priority and Weight, In redundancy schemes, routes to a primary and secondary server are negotiated based on their designated priority);

Cisco System fails to explicitly disclose

wherein the load information is factored into a session initiation protocol Q-value, where the Q- value is an integer value based on both (1) a contact priority and (2) a number of calls or an amount of information being processed for a call; the Q-value to be transmitted via one or more load brokers where each load is a back-to-back user agent that is to operate as a proxy and to communicate regarding node locations in a SIP network; and

a calculation module to provide load information for at least one of the session initiation protocol entities to a querying entity through the network adaptor;

the Q-value and a domain load factor both to be used to determine call routing, , the domain load factor indicating domain load for the entire domain, the domain load factor to be shared with other domains, the domain load factor being determined for a domain that comprises a plurality of session initiation protocol entities

Rosenberg discloses SIP q-value and using the Q-value to determine call routing (Section 16.5, page 57; A common ordering mechanism is to use the qvalue parameter of destinations obtained from Contact header fields (see Section 22.10). Destinations are processed from highest qvalue to lowest. Destinations with equal qvalues may be processed in parallel; Section 26.1; qvalue = ( "0" [ "." 0\*3DIGIT ] )— ( "1" [ "." 0\*3("0") ] );

showing a q-value as an integer as recited in applicant's claim language; Section 10.2.1.2; page 35; If more than one Contact is sent in a REGISTER, then the registering UA intends to associate all of the URIs given in these Contact headers with the address of record present in the To field. This list can be prioritized with the "q" mechanism. q: The "q" parameter indicates a relative preference for the particular Contact header field compared to other bindings present in this REGISTER message or existing within the location service of the registrar. For an example of how a proxy server uses "q" values, see Section 16.5; Section 16.4 Making a Routing Decision; page 55; At this point, the proxy must decide where to forward the request.)

Lakkakorpi discloses a calculation module to provide load information for at least one of the session initiation protocol entities to a querying entity through the network adaptor (Col 4 lines 13-27; Col 5 lines 22-27, Col 8 lines 16-27; Figure 6: item 620)determining a domain load factor for a domain, (Col 6 line 64 – Col 7 line 16; link load the domain load factor indicating domain load for the entire domain, (Col 7 lines 40-54)the domain load factor to be shared with other domains. (Col 4 lines 13-27; Col 5 lines 22-27, Col 8 lines 16-27)

Bakshi discloses a Q-value based on (2) a number of calls or an amount of information being processed for a call; (Col 8 lines 13-17; Col 8 lines 38-50)

Sylvain discloses back-to-back user agent that is to operate as a proxy and to communicate regarding node locations in a SIP network. ([0045])

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Cisco Systems to disclose a session initiation protocol

load module to receive session initiation protocol load information from session initiation protocol entities on the network through the network adaptor, wherein the load information is factored into a session initiation protocol Q-value, where the Q- value is an integer value based on both (1) a contact priority and (2) a number of calls or an amount of information being processed for a call; the Q-value to be transmitted via one or more load brokers where each load broker is a back-to-back user agent that is to operate as a proxy and to communicate regarding node locations in a SIP network; calculation module to provide load information for at least one of the session initiation protocol entities to a querying entity through the network adaptor; the Q-value and a domain load factor both to be used to determine call routing, the domain load factor indicating domain load for the entire domain, the domain load factor to be shared with other domains.

Under *KSR International Co. v. Teleflex Inc.*, 550 U.S. -, 82 USPQ2d 1385 (2007), it could have been obvious to combine prior art elements according to known methods to yield predictable results of reducing the processing load on proxy servers that are responsible for routing requests by relying on redirection, completing the high-availability solution by placing the desired combination of high-availability routing intelligence in the network and reduced congestion.

As per claim 15, Cisco Systems / Rosenberg / Lakkakorpi / Bakshi / Sylvain disclose the session initiation protocol device of claim 14, and Lakkakorpi discloses wherein the calculation module is furthermore to provide loads for a plurality of session



initiation protocol entities to the querying entity. (Col 4 lines 13-27; Col 5 lines 22-27, Col 8 lines 16-27; Figure 6: item 620)

As per claim 16, Cisco Systems / Rosenberg / Lakkakorpi / Bakshi / Sylvain disclose the session information protocol device of claim 14 and Cisco Systems discloses wherein the load information for the session initiation protocol entities is based on at least one metric including call capacity, processing capability, network bandwidth, and network availability. (Designing a Highly Available Voice Network; capacity of SIP gateway = 0.5 calls per second; capacity of SIP Proxy Server = 100 calls per second)

As per claim 17, Cisco Systems / Rosenberg / Lakkakorpi / Bakshi / Sylvain disclose the networked system of claim 14, and Cisco Systems discloses wherein the metrics of the entities are weighted based on their capacity for that metric. (Priority and Weight, weighted random, which distributes requests proportional to the weight assigned to each route. To load balance between routes to devices, the priority of the routes must be the same. A higher weight represents a proportionally higher device capacity.)

As per claim 18, Cisco Systems / Rosenberg / Lakkakorpi / Bakshi / Sylvain disclose the networked system of claim 14, and Rosenberg discloses wherein the load of the session initiation protocol entity is transmitted to the querying entity as a factor in a Q-value. (8.3 Redirect Servers, Page 30; Section 16.5, page 57; A common ordering

mechanism is to use the qvalue parameter of destinations obtained from Contact header fields (see Section 22.10). Destinations are processed from highest qvalue to lowest. Destinations with equal qvalues may be processed in parallel; Section 26.1; qvalue = ( "0" [ "." 0\*3DIGIT ] )— ( "1" [ "." 0\*3("0") ] ); showing a q-value as an integer as recited in applicant's claim language; Section 10.2.1.2; page 35; If more than one Contact is sent in a REGISTER, then the registering UA intends to associate all of the URIs given in these Contact headers with the address of record present in the To field. This list can be prioritized with the "q" mechanism. q: The "q" parameter indicates a relative preference for the particular Contact header field compared to other bindings present in this REGISTER message or existing within the location service of the registrar.)

As per claim 19, Cisco Systems / Rosenberg / Lakkakorpi disclose the same limitations as claim 1. Cisco Systems discloses further a data storage device to contain a cross reference to session initiation protocol entities coupled to a network ((Introduction to SIP Networks; device that stores the logical location of user agents within that domain or sub-domain. A SIP registrar server stores the location of user agents and dynamically updates its data via REGISTER messages)and a load factor associated with session initiation protocol entities; (Priority and Weight, In redundancy schemes, routes to a primary and secondary server are negotiated based on their designated priority, Capacity - target peak-load capacity, commonly measured in calls

per second, Priority and Weight- weighted random, which distributes requests proportional to the weight assigned to each route )

a network adaptor coupled to the network; (SIP user agent—any network end-point that can originate or terminate a SIP session. This might include a SIP-enabled telephone, a SIP PC-client (known as a "softphone"), or a SIP-enabled gateway) a processor coupled to the data storage device and the network adaptor; and (SIP user agent—any network end-point that can originate or terminate a SIP session. This might include a SIP-enabled telephone, a SIP PC-client (known as a "softphone"), or a SIP-enabled gateway)

a computer readable medium having stored thereon instructions which, when executed by the processor, cause the processor (SIP user agent—any network end-point that can originate or terminate a SIP session. This might include a SIP-enabled telephone, a SIP PC-client (known as a "softphone"), or a SIP-enabled gateway)

As per claim 20, Cisco Systems / Rosenberg / Lakkakorpi / Bakshi / Sylvain disclose the location service of claim 19. Lakkakorpi discloses further the location service of claim 19, wherein the processor is to retrieve a respective load factor associated with at least one of the session initiation protocol entities when requested to do so by a requesting session initiation protocol entity and transmit that load information to the requesting session initiation protocol entity through the network adaptor. (Col 4 lines 13-27; Col 5 lines 22-27, Col 8 lines 16-20)

As per claim 21, Cisco Systems / Rosengard / Lakkakorpi / Bakshi / Sylvain disclose the location service of claim 20. Rosenberg discloses wherein the respective load factor is transmitted as a factor in a Q-value. (Section 16.5, page 57; A common ordering mechanism is to use the qvalue parameter of destinations obtained from Contact header fields (see Section 22.10). Destinations are processed from highest qvalue to lowest. Destinations with equal qvalues may be processed in parallel; Section 26.1; qvalue = ( "0" [ "." 0\*3DIGIT ] )— ( "1" [ "." 0\*3("0") ] ); showing a q-value as an integer as recited in applicant's claim language; Section 10.2.1.2; page 35; If more than one Contact is sent in a REGISTER, then the registering UA intends to associate all of the URIs given in these Contact headers with the address of record present in the To field. This list can be prioritized with the "q" mechanism. q: The "q" parameter indicates a relative preference for the particular Contact header field compared to other bindings present in this REGISTER message or existing within the location service of the registrar.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sanchez Cembellin (US 7,489,634) is directed to regulate the traffic that may be used between a SIP User Agent (SIP-UA) and a SIP Proxy in high traffic load situations, like in a telephony-SIP inter-working scenario where the MGC in the inter-working gateway is acting as a SIP-UA.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag R Patel whose telephone number is (571)272-7966. The examiner can normally be reached on Monday to Friday from 8:00AM to 4:30PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached on (571) 272-1915.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

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Private PAIR only. For more information about the PAIR system, see

<http://pairedirect.uspto.gov>. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

(toll free).

/Chirag R Patel/

Examiner, Art Unit 2454

/NATHAN FLYNN/

Supervisory Patent Examiner, Art Unit 2454